

1  
2  
3 UNITED STATES DISTRICT COURT  
4 DISTRICT OF NEVADA

5 \* \* \*

6 IVAN MATTHEWS, II,

Case No. 3:19-cv-00244-MMD-CLB

7 Plaintiff,

ORDER

8 v.

9 WILLIAM FILSON, *et al.*,

10 Defendants.

11  
12 **I. DISCUSSION**

13 Plaintiff Ivan Matthews, II, a *pro se* prisoner, previously filed an application to  
14 proceed *in forma pauperis* and submitted a civil rights complaint (“Complaint”) pursuant to  
15 42 U.S.C. § 1983. (ECF Nos. 1, 7.) The Court screened the Complaint, dismissed the  
16 entire Complaint, and gave Plaintiff leave to amend the Eighth Amendment claims for  
17 deliberate indifference to serious medical needs. (ECF No. 6.) However, the Court warned  
18 Plaintiff that duplicated claims that were in another one of his actions would be considered  
19 malicious. (*Id.* at 10.) The Court informed Plaintiff that if he had unintentionally duplicated  
20 claims and if he voluntarily moved to dismiss the action, the Court would dismiss the  
21 action, deny the application to proceed in forma pauperis and not require him to pay the  
22 filing fee—in this *one* instance. (*Id.*)

23 Plaintiff now has filed a motion for voluntary dismissal and states that claims in this  
24 action are unintentionally duplicative. (ECF No. 8.) Pursuant to Federal Rule of Civil  
25 Procedure 41(a)(1), a plaintiff may dismiss an action without a court order by filing “a notice  
26 of dismissal before the opposing party serves either an answer or a motion for summary  
27 judgment.” Fed. R. Civ. P. 41(a)(1)(A)(i). The Court grants Plaintiff’s motion to voluntarily  
28 dismiss this action because no responsive pleading has been filed in this case. Therefore,

1 the Court dismisses this action with prejudice.

2 As discussed in the screening order—in this *one* case—the Court will deny the  
3 application to proceed *in forma pauperis* and will not require Plaintiff to pay a fee. (See  
4 ECF No. 6 at 10.) However, Plaintiff is informed that the Court will not do this again in any  
5 of his other actions. Plaintiff is responsible for keeping track of his own cases and for not  
6 bringing duplicative claims. In the future, if the Court devotes scarce resources to  
7 screening a complaint in one of Plaintiff's cases and finds that Plaintiff has filed a  
8 duplicative claim, the Court will consider such claims to be malicious and will process the  
9 application to proceed *in forma pauperis* and require payment of the filing fee.

10 **II. CONCLUSION**

11 For the foregoing reasons, it is ordered that the motion for voluntary dismissal (ECF  
12 No. 8) is granted.

13 It is further ordered that this action is dismissed in its entirety with prejudice as  
14 Plaintiff's Complaint did not state any non-duplicative claims.

15 It is further ordered that the application to proceed *in forma pauperis* (ECF No. 4)  
16 is denied as moot.

17 It is further ordered that the Clerk of the Court will enter judgment accordingly and  
18 close this case.

19 DATED THIS 20<sup>th</sup> day of March 2020.

20  
21 

22 \_\_\_\_\_  
23 MIRANDA M. DU  
24 CHIEF UNITED STATES DISTRICT JUDGE  
25  
26  
27  
28